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10 Trust; Byron Georgiou individually and as
11 trustee of the Georgiou Family Trust; and
Benjamin Hill Realty, LLC

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**
14

15 Georgiou Family Trust, a Nevada trust;
16 Byron Georgiou, as an individual and as
17 trustee of the Georgiou Family Trust;
18 Benjamin Hill Realty, LLC, a Nevada
limited liability company.

19 Plaintiffs,

20 v.
21

22 Phillip V. Ruthen, an individual; Shaw
23 Industries Inc., a corporation; L. Lake
24 Jordan, an individual; Suncrest Stone
Products, LLC, a business entity; Jeffrey W.
Stevens, an individual; and Does 1-100,

25
26 Defendants.
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28

CASE NO.: 2:21-cv-01060-JCM-DJA

**STIPULATION AND
ORDER TO
EXTEND TIME TO FILE
PLAINTIFFS' RESPONSE TO
DEFENDANTS' MOTIONS TO
DISMISS AND MOTIONS TO
CHANGE VENUE FROM
CURRENT DEADLINE OF
OCTOBER 15, 2021 TO
OCTOBER 29, 2021**

(SECOND REQUEST)

**TO THE CLERK OF THE ABOVE-TITLED COURT AND TO ALL
PARTIES AND THEIR ATTORNEYS OF RECORD:**

IT IS HEREBY STIPULATED by and between the parties through their respective counsels that Plaintiffs Georgiou Family Trust; Byron Georgiou; and Benjamin Hill Realty, LLC ("Plaintiffs") shall have through and including October 29, 2021, within which to file and serve a response to the motions of Defendants Phillip V. Ruthen, Shaw Industries Inc. and L. Lake Jordan ("Defendants") to dismiss and/or to change venue (ECF No. 22, 24, 25, 26, 29).

The current deadline for Plaintiffs to respond to all five motions is currently set for October 15, 2021. Previously, the Parties stipulated to move the response date to October 15, 2021. The Court approved this request on October 1, 2021. (ECF No. 37).

This is the second and last request from Plaintiffs for extension from the current date of October 15, 2021. Pursuant to Local Rule IA 6-1(a), the Parties state the reason for the extension of time is that the attorneys for Plaintiffs still need more time to fully review all five motions and prepare responses thereto given that there are five different motions to respond to all of which raise complicated legal and/or factual issues to address. The motions to change venue also contain extensive factual allegations, multiple exhibits, declarations, and alleged evidence which Plaintiffs need sufficient time to review, create declarations in response to, prepare and locate exhibits in response to, and respond to.

Further, Plaintiff Byron Georgiou—the primary party and/or only agent representative on Plaintiffs' side, is currently traveling to Ireland and is out of the country due to the unexpected grave illness of a close family member located outside the country that is not expected to survive. Mr. Georgiou's input into the responses to the motions to include but not limited to his search for documents and emails is invaluable and necessary to respond fully and completely to the venue motions. His input is also invaluable and necessary for Plaintiffs' response to the motions to dismiss filed as well. Mr. Handal, lead counsel, is also in depositions in another matter all this

1 week, making it difficult if not impossible for Mr. Handal to finish preparation of the
 2 response and/or to review it prior to the deadline. Lastly, Ms. Chalk, who is second
 3 chair in this matter for the Plaintiffs under Mr. Handal, has been very ill for the past
 4 week with what may be Covid-19, but this is still unconfirmed as such to date as of the
 5 date and time of the execution of this pleading. At any rate, Ms. Chalk's illness also
 6 makes it impossible for Plaintiffs' counsel to fully review and complete the responses to
 7 all five motions by October 15, 2021.

8 The Parties have therefore agreed to providing Plaintiffs a second (and last)
 9 extension of time to file a response to all five motions. The Parties have entered into an
 10 agreement in good faith and not for purposes of delay. It is respectfully requested that
 11 the Court approve this stipulation and provide Plaintiffs until October 29, 2021 to
 12 respond to the motions. No further extensions will be requested by Plaintiffs.

13 Defendants have requested that they be provided an additional week from the
 14 statutory Reply deadline to file and serve their replies after Plaintiffs file their responses
 15 on October 29, 2021. The Parties agree and stipulate as such.

MURCHISON & CUMMING, LLP

17 DATED: October 14, 2021

/s/ Pamela C. Chalk

Pamela C. Chalk, Esq.

Anton N. Handal, Esq.

Attorneys for Plaintiffs

LEWIS ROCA ROTHGERBER CHRISTIE LLP

21 DATED: October 14, 2021

/s/ J.Christopher Jorgensen

J.Christopher Jorgensen, Esq.

Chelsee C. Jensen, Esq.

Attorneys for Defendant

Shaw Industries Inc.

BAILEY ♦ KENNEDY

26 DATED: October 14, 2021

/s/ Andrea M. Champion

Dennis L. Kennedy, Esq.

Andrea M. Champion, Esq.

Attorneys for Defendant Phillip V. Ruthen

LIPSON NEILSON P.C

DATED: October 14, 2021

/s/ Megan H. Thongkham

Joseph P. Garin, Esq.

Megan H. Thongkham, Esq.

Attorneys for Defendant L. Lake Jordan

ORDER

IT IS SO ORDERED.


UNITED STATES DISTRICT COURT JUDGE

DATED: October 15, 2021

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on this date to all counsel of record, if any to date, who are deemed to have consented to electronic service via the Court's CM/ECF system. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery upon their appearance in this matter.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed this 14th day of October, 2021.

DATED: October 14, 2021

MURCHISON & CUMMING, LLP

/s/ Pamela C. Chalk

Pamela C. Chalk